



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,934	10/29/2001	Eduard K. de Jong	P-7007	1043

24209 7590 10/12/2005

GUNNISON MCKAY & HODGSON, LLP
1900 GARDEN ROAD
SUITE 220
MONTEREY, CA 93940

EXAMINER

HOMAYOUNMEHR, FARID

ART UNIT PAPER NUMBER

2132

DATE MAILED: 10/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/014,934

Applicant(s)

DE JONG ET AL.

Examiner

Farid Homayounmehr

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/29/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claims 1-25 have been examined.

Information Disclosure Statement PTO-1449

1. Information disclosure statements submitted by applicant dated 4/5/2002, 6/17/2002, 11/1/2002, 3/10/2003, 8/4/2003, 1/8/2004 were considered. Please see attachment PTO-1449.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 to 19, 21, 22 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Gabber (European Patent Publication No. 855659 A1, published July 29, 1998).

3.1. As per claim 1, Gabber is directed to a method for browsing a data communication network (column 6 line 1 to 19), the method comprising:

requesting user data (Fig. 2 and 3 and column 9 line 50 to column 10 line 15, also mentioned in column 12 line 45 to 48) from a user controlled secured device (which may be the user device itself, or the peripheral proxy server as described in column 1 line 15 to 15 and also in column 12 line 31 to 33) if a network site that requires user data is accessed (column 14 line 9 to 16) said requesting occurring prior to requesting said user data from another device; and sending said user data to a network server associated with said network site if said user data is received from the said user controlled secure device (column 14 line 9 to 16).

3.2. As per claim 2, Gabber is directed to a method for browsing a data communication network (column 6 line 1 to 19), the method comprising:

receiving a request for user data (column 13 line 34 to 35) ; returning said user data if said user data is found and if returning said user data for said request is enabled and if said user data comprise static user data (column 13 line 35 to 41); reconfiguring said user data if said user data is found and if returning user data for said request is enabled and if said user data comprises dynamic user data (column 13 line 50 to column 14 line 5); and returning said configured user data (column 14 line 6 to 16).

3.3. As per claim 3, Gabber is directed to a method for servicing data communication network (column 6 line 1 to 19), information units, the method comprising:

receiving user data associated with a network site (which is the function of a web server, exemplified in Fig. 1, 2, 5 and 6 item 110g and mentioned in column 6 line 16 as server sites); using said user data if said user data comprises static user data; and reconstructing said user data before using data if said user data comprises dynamic user data (column 8 line 15 to 50 describes transmission of user data, such as alias user names, passwords, email addresses, postal addresses, credit card numbers to a web browser which are processed as dynamic or static data depending on the functionality of the browser).

3.4. Claims 4, 5, and 6 are disclosed by Gabber, as they are substantially the same as claims 1, 2, and 3 above, with the distinction of using Cookies to transfer user data. Use of Cookies is disclosed by Gabber in column 18 line 1 to 23.

3.5. Claims 7 to 12 are disclosed by Gabber, as they are substantially the same as claims 1 to 6 above, with the distinction of disclosing a program storage device readable by a machine, embodying a program of instructions executable by the machine to perform the method of browsing, which is disclosed in column 19.

3.6. Claims 13 to 18 are disclosed by Gabber, as they are substantially the same as claims 1 to 6 above, with the distinction of disclosing an apparatus to perform the browsing, which is disclosed in column 19.

3.7. Claim 19 is disclosed by Gabber, as it is substantially the same as claim 13 above, with the distinction of disclosing a network browser as means for requesting and sending user data, which is disclosed by Fig. 6 item 300 and column 18.

3.8. Claim 21 is disclosed by Gabber, as it is substantially the same as claim 15 above, with the distinction of disclosing a network server as means for receiving and using user data, which is disclosed by Fig. 6 item 110g.

3.9. Claim 22 is disclosed by Gabber, as it is substantially the same as claim 19 above, with the distinction of disclosing a cookie as means for requesting and sending user data. Use of Cookies is disclosed by Gabber in column 18 line 1 to 23.

3.10. Claim 24 is disclosed by Gabber, as it is substantially the same as claim 21 above, with the distinction of disclosing a cookie as means for receiving and using user data. Use of Cookies is disclosed by Gabber in column 18 line 1 to 23.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2132

5. Claims 20, 23 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gabber as applied to claim 16 above, and further in view of Paltenghe (U.S. Patent Application Publication No. 2001/0011250 A1, published 8/2/2001).

5.1 As per claim 20, Gabber is directed to the Apparatus of claim 16. Gabber specifies an apparatus for browsing a data communications network, but it does not include the specific use of a smart card configured to receive a request for user data, and returning the data if it is found. Paltenghe teaches a the benefits of using smart cards to store key elements of user data or certificates that helps identify an authorized user of the application (paragraph [0076])

Gabber and Paltenghe are analogous art because they both specify a method providing user data ubiquitously and nomadically while protecting user privacy in data networks.

At the time of invention, it would have been obvious to a skilled person in the art to incorporate smart cards as disclosed by Paltenghe in the network browsing apparatus of Gabber, as a secure means to store and retrieve user data.

The motivation to do so would have been to take advantage of smart cards as a portable device, which can securely store and upload users' sensitive and private data to the application used by the user at users' discretion.

5.2. Claim 23 is disclosed by Gabber and Paltenghe, as it is substantially the same as claim 20 above, with the distinction of disclosing a cookie as means for receiving and using user data. Use of Cookies is disclosed by Gabber in column 18 line 1 to 23.

5.3 As per claim 25, Gabber is directed to an apparatus for enhanced privacy protection in identification in a data communications network (column 7 line 1 to 28). Gabber specifically mentions the use of a pseudo random generator (column 11 line 20 to 25) to create a network ID for the user to substitute users real ID in network transactions. Gabber does not specifically mention the use of smart cards to store randomized ID, but Paltenghe discloses the use of smart cards in conjunction with the apparatus disclosed by Gabber (see response to claim 20 above). Therefore, the feature is disclosed by Gabber, and further in view of Paltenghe.

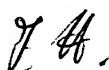
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farid Homayounmehr whose telephone number is 571 272 3739. The examiner can normally be reached on 9 hrs Mon-Fri, off Monday biweekly.

Art Unit: 2132

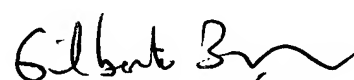
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Farid Homayounmehr



Examiner

Art Unit: 2132



GILBERTO BARRON *Ja.*
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100